

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **DATE FILED:** _____
v. : **CRIMINAL NO. :** _____
JOHN TRIPODI : **VIOLATION:**
: **18 U.S.C. § 371 (conspiracy- 1 count)**
: **18 U.S.C. § 982 (a)(2)(B) (criminal**
: **forfeiture)**
: **Notice of additional factors**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, Discover, Visa, Master Card, and American Express were credit card companies operating in and affecting interstate commerce.
2. At all times material to this indictment, Strawbridge's, Macy's and JC Penney were retail businesses, operating in and affecting interstate commerce, that issued credit cards to customers.
3. From in or about 1996, through on or about the date of this indictment, in the Eastern District of Pennsylvania and elsewhere, defendant

JOHN TRIPODI

conspired and agreed with others known and unknown to the grand jury to:

- (1) use unauthorized access devices, with the intent to defraud, and by such conduct obtain

anything of value aggregating \$1,000 or more during a one year period, thereby affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2); and (2) transport in interstate commerce goods, wares, merchandise, securities and money, of the value in excess of \$5,000, knowing the same to have been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Section 2314.

MANNER AND MEANS

4. It was part of the conspiracy that others known and unknown to the grand jury met in Philadelphia, Pennsylvania at various times and traveled to New Jersey to steal personal identification, checks and credit cards in order to fraudulently obtain goods, wares, merchandise and money valued over \$5,000.

It was further part of the conspiracy that others known and unknown to the grand jury:

5. Surreptitiously entered parked and unoccupied vehicles at golf courses, swim clubs, fitness facilities, marinas and other public facilities because it was commonly known that individuals who utilized these facilities would leave their wallet, purse or pocketbook locked inside vehicles.

6. Surreptitiously entered the vehicles by using "slim jims," lock picks, master keys and altered keys and, once access was gained to the vehicles, removed credit cards, checks, driver's licenses, and social security cards from wallets, purses and pocketbooks found in the vehicles.

7. Purchased gasoline with the stolen credit cards to determine if the credit cards had been compromised and/or called the credit card company to ascertain the spending limit of

the credit card.

8. Traveled to casinos in Atlantic City, New Jersey and obtain cash advances with the stolen credit cards.

9. Used the stolen credit cards at home improvement stores, electronic stores, office supply stores, gasoline stations and other similar retail establishments located in New Jersey, Pennsylvania and Delaware to fraudulently purchase goods, wares, merchandise and services.

10. Forged securities, that is, checks, stolen from the victims, and cashed them at banks.

11. Stole the identity of the victims to rent automobiles and to fraudulently obtain credit accounts at various retail establishments.

12. Returned at various times to the Eastern District of Pennsylvania with stolen goods, merchandise, wares, money and property.

13. It was further part of the conspiracy that: defendant JOHN TRIPODI was a "fence" for the fraudulently obtained goods, merchandise, wares and property and that defendant JOHN TRIPODI ordered goods, merchandise, wares and property from others known and unknown to the grand jury to be purchased on the stolen credit cards.

14. Defendant JOHN TRIPODI met in Philadelphia, Pennsylvania with others known and unknown to the grand jury to receive the goods, merchandise, wares and property purchased on the stolen credit cards.

15. Defendant JOHN TRIPODI examined the receipts from the purchases of the goods, merchandise, wares and property purchased on the stolen credit cards in order to

determine how much to pay for the fraudulently obtained and stolen goods, merchandise, wares and property.

16. Defendant JOHN TRIPODI paid in cash approximately 50% of the cost of the fraudulently obtained and stolen goods, merchandise, wares and property purchased on the stolen credit cards.

17. Defendant JOHN TRIPODI resold the fraudulently obtained and stolen goods, merchandise, wares and property purchased with the stolen credit cards.

Overt Acts

On or about the dates set forth below, in order to achieve the objects of the conspiracy, defendants and other persons known and unknown to the grand jury committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about August 4, 2001, Enrico Carpenito and Michael Pacitti, charged elsewhere, met with a cooperating witness in South Philadelphia and traveled to New Jersey to steal credit cards from parked vehicles at golf courses.

2. On or about August 4, 2001, defendant JOHN TRIPODI discussed by telephone the items he wanted to be purchased for which he was willing to pay 50% of the cost.

3. On or about a date after August 13, 2001, at Philadelphia, defendant JOHN TRIPODI met with James Berry, charged elsewhere.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment,
defendant **JOHN TRIPODI**:

a. Committed an offense in which the loss exceeded \$1,000,000, as
described in U.S.S.G. § 2B1.1(b)(1).

b. Committed an offense involving 10 or more victims, as described
in U.S.S.G. § 2B1.1(b)(2)(A).

c. Committed an offense involving stolen property and the defendant
was a person in the business of receiving and selling stolen property, as described in
U.S.S.G. § 2B1.1(b)(4).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney